

**SUPREME COURT MINUTES
MONDAY, NOVEMBER 5, 2001
SAN FRANCISCO, CALIFORNIA**

S078271 Peter Vu, Plaintiff and Appellant

v.

Prudential Property & Casualty Insurance Company,
Defendant and Respondent

We answer the Ninth Circuit's certified question as follows: Our decision in *Neff, supra*, 30 Cal.2d 165, remains good law to the extent it holds that an insurer's denial of a claim on the ground that the policy does not cover the loss in question offers no basis for estopping the insurer from asserting the one-year period of limitation as a defense. *Neff*, however, does not necessarily control the result in this case. Prudential, the insurer, inspected the property of Vu, its insured, to determine the nature and extent of the damage caused by the earthquake. After the inspection, Prudential represented incorrectly to Vu that his loss was less than the policy's deductible amount. Under these circumstances, Prudential would be estopped from raising the one-year statute of limitations of California Insurance Code section 2071 as a defense if Vu proves that he reasonably relied on Prudential's representation in not bringing a lawsuit within the statutory period.

Kennard, J.

We Concur:

George, C.J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

Levy, J.*

*Honorable Herbert I. Levy, Associate Justice, Court of Appeal, Fifth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6, of the California Constitution.

S097694 In re Carl D. McQuillion
 on
 Habeas Corpus

The order filed on October 26, 2001, denying the writ of habeas corpus is hereby modified to read, "Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.

4th Dist. Haifa Nemr, Petitioner
E030103 v.

Div. 2 Workers' Compensation Appeals Board et al., Respondents

S100522 The time for granting or denying review in the above-entitled matter is hereby extended to and including December 7, 2001, or the date upon which review is either granted or denied.

6th Dist. People, Respondent
H020453 v.

S100614 German Ernest Llavet, Appellant

The time for granting or denying review in the above-entitled matter is hereby extended to and including December 14, 2001, or the date upon which review is either granted or denied.

Bar In the Matter of the Application of the Committee of Bar Examiners
Misc. of the State of California for Admission of Attorneys

4186 The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S101505 In the Matter of the Resignation of **Jon Richard Stuhley**
A Member of the State Bar of California

The voluntary resignation of **Jon Richard Stuhley, State Bar No. 41591**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)